

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DARRAN O'NEAL, ET AL. §
v. § CIVIL ACTION NO. 6:08cv181
KILGORE TEXAS POLICE DEPT., ET §
AL.

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that Defendant Ronnie Moore's Motion to Dismiss for Failure to State a Claim or, in the Alternative, Motion for More Definite Statement (document [#10](#)) be denied without prejudice to the refiling thereof after Plaintiffs have been given an opportunity to amend the complaint. No written objections have been filed. Indeed, Plaintiffs filed an Amended Complaint on August 12, 2008 and Defendant Ronnie Moore filed a Second Motion to Dismiss on August 20, 2008, that is currently pending. The Court adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that Defendant Ronnie Moore's Motion to Dismiss for Failure to State a Claim or, in the Alternative, Motion for More Definite Statement (document [#10](#)) is **DENIED** without

prejudice to the refiling thereof. As stated above, Plaintiffs filed an Amended Complaint on August 12, 2008 and Defendant Ronnie Moore filed a Second Motion to Dismiss on August 20, 2008, that is currently pending.

SIGNED this 4th day of September, 2008.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE